



\$AR 1200

PTO/SB/31 (09-04)

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

NK 0073.00

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on June 21, 2006

Signature Malavika Sahai

Typed or printed name Malavika Sahai

In re Application of  
Weers et al.

Application Number  
09/851,226

Filed  
5-8-2001

For

Art Unit  
1617

Examiner  
HUI, San Ming R.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0258. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 37,487
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Ashok K. Janah  
Signature

Ashok K. Janah  
Typed or printed name

(415) 538-1555  
Telephone number

June 21, 2006  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

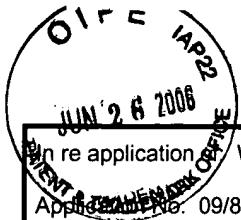
☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/27/2006 NNGUYEN1 00000070 100258 09851226

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Weers et al.

Applicant No. 09/851,226

Confirmation No. 4017

Filed: 05/08/2001

Title: PHOSPHOLIPID-BASED POWDERS FOR DRUG DELIVERY

Group No: 1617

Examiner: San Ming R. Hui

Attorney Docket No: NK. 0073.00

Wednesday, June 21, 2006  
San Francisco, CA 94107

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Extension of Time</b> <input checked="" type="checkbox"/> Applicant petitions for an extension of time under 37 C.F.R. 1.136		
<b>Papers Enclosed</b>  Amendment in Response to Final Office Action Statement under 37 CFR 3.73(b) (form PTO/SB96) Associate Power of Attorney Statement <input checked="" type="checkbox"/> Notice of Appeal (form PTO/SB31) 0 Drawings Supplemental Information Disclosure Statement PTO-SB08 Form Citations Terminal Disclaimer Postcard for Return (1)	Extension (Months)	Extension Fee	
		Large Entity	Small Entity
	One Month	\$110.00	\$55.00
	Two Months	\$430.00	\$215.00
	<input checked="" type="checkbox"/> Three Months	\$980.00	\$490.00
<b>Total \$ 980.00-110.00=\$870.00</b>			
Applicant believes that no extension of term is required. However, this conditional petition is being made in case applicant has inadvertently overlooked the need for a petition for extension of time.			

Fees for Extra Claims						
	Claims remaining after amendment	Highest number previously paid for	Number Extra	Rate		Additional Fee
				Large Entity	Small Entity	
Total Claims	80	81	0	\$18.00	\$9.00	\$0.00
Independent Claims	7	7	0	\$88.00	\$44.00	\$0.00
Multiple Dependent Claims	0	0	0	\$300.00	\$150.00	\$0.00
Supplemental Information Disclosure Statement						
Total						\$0.00

\*No new claims in the present amendment, but claims were miscounted in the last amendment transmittal

<b>Fee Payment</b>		<b>Fee Deficiency</b>	
Extension Fees	\$870.00	<input checked="" type="checkbox"/> If any additional extension and/or fee is required, please charge Deposit Account No. <u>10-0258</u> .	
Fees for Extra Claims	\$0.00	and/or	
Notice of Appeal Fee	\$500.00	<input checked="" type="checkbox"/> If any additional fee for claims is required, please charge Deposit Account No. <u>10-0258</u> .	
Total	\$1370.00		
Attached is check no. _____ in the sum of \$0.00. <input checked="" type="checkbox"/> Please charge Deposit Account No. <u>10-0258</u> in the sum of \$1,370.00.		Please direct telephone calls to: Ashok K. Janah at (415) 538-1555 Please continue to send correspondence to: Guy Tucker   06/27/2006 NNGUYEN1 00000070 100258 09851226 Nektar Therapeutics 150 Industrial Road 02 FC:1253 900.00 DA San Carlos, CA 94070.	
<b>CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8a):</b>  I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		Respectfully Submitted,	
By: <u>Malavika Sahai</u> Malavika Sahai	Date: <u>June 21, 2006</u>	By: <u>Ashok K. Janah</u> Ashok K. Janah Registration No. 37,487	